

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: ARIDOR et al.

Serial No.: 10/620,631

Filed: July 16, 2003

For: A METHOD AND SYSTEM FOR MANAGING MULTI-TIER
APPLICATION COMPLEXES

Group Art Unit: 2194

Examiner: Nathan E. Price

RESPONSE TO OFFICIAL ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to an Official Action dated August 25, 2008, Applicants respectfully submit the following remarks. This application contains claims 25-27, all of which were rejected in the present Official Action. Reconsideration is requested in view of the remarks that follow.

Claims 25-27 were rejected under 35 U.S.C. 102(a) over an article by Abbondanzio et al. ("Management of Application Complexes in Multitier Clustered Systems"). Specifically, the Examiner held that the subject matter of claims 25-27 was disclosed in paragraphs 3-4 on page 2 and in the third bullet point on page 3 of Abbondanzio.

Applicants respectfully traverse this rejection, on the grounds that the cited subject matter was invented solely by the Applicants in the present patent application: Yariv Aridor, Ofer Biran, Srirama Krishnakumar, Gregory Pruett and Ben-Ami Yassour. All of the Applicants were listed as co-authors on the Abbondanzio article as published.

In support of this traversal, the following declarations under 37 C.F.R. 132 are submitted herewith:

1) A declaration by the Applicants in the present patent application (Aridor, Biran, Krishnakumar, Pruett and Yassour) proving that they were the sole inventors of the subject matter cited by the Examiner in the Abbondanzio article.

2) A declaration by the remaining co-authors of the Abbondanzio article (Antonio Abbondanzio, Liana L. Fong, German S. Goldszmidt and Richard E. Harper) in support of the statements made by the Applicants in their declaration.

The attached declarations prove unequivocally, in accordance with the guidelines of MPEP 715.01(c) and 716.10, that the subject matter that was cited by the Examiner in the Abbondanzio article does not qualify as prior art under 35 U.S.C. 102(a) against the present patent application. Claims 25-27 are therefore believed to be patentable over Abbondanzio et al.

Applicant believes the remarks presented hereinabove to be fully responsive to all of the objections and grounds of rejection raised by the Examiner. In view of these remarks, Applicant respectfully submits that all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

Respectfully submitted,

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